



The Scottish Parliament
Pàrlamaid na h-Alba

Clerk to the Delegated Powers and Law Reform Committee
Room T1.01
Scottish Parliament
0131 348 5212
DPLR.Committee@scottish.parliament.uk

James Hynd
Head of Cabinet, Parliament and Governance Division
Scottish Government

7 March 2018

Prescription (Scotland) Bill at Stage 1

The Delegated Powers and Law Reform Committee considered the above Bill on Tuesday 6 March and seeks an explanation of the following matters:

Section 15 – Ancillary Provision

Power conferred on:	the Scottish Ministers
Power exercisable by:	Regulations
Parliamentary procedure:	Affirmative if the regulations textually amend an Act, otherwise negative

Provisions

Section 15(1) provides that the Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision that they consider appropriate for the purposes of, in connection with or for giving full effect to the Bill.

Subsection (2) provides that such regulations may make different provision for different purposes and may modify any enactment, instrument or document (including the Bill).

(1) The Bill amends the Prescription and Limitation (Scotland) Act 1973, and that Act does not appear to contain any ancillary powers provision.

Please explain (further to the explanation in the DPM) why the ancillary powers are required in addition to the Bill's reforms, when it appears that no such

powers have been included within the statutory rules on prescription from 1973 onwards?

(2) Please could some examples of how the ancillary powers might be used be provided, in particular how the powers to make incidental and supplemental provision might be exercised?

Please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 22nd March.

Thank you.

Euan Donald
Clerk to the Delegated Powers and Law Reform Committee